

Remarks

The Examiner has rejected Claims 15 - 20 under 35 U.S.C. Section 101 as claiming the same invention as that of claims 12 - 17 of prior U.S. Patent No. 6,294,349 because the two sets of claims are identical in recitation and scope. Accordingly, Claims 15 - 20 have been cancelled.

Claims 1 - 6, 9 - 11 and 13 - 14 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 21 - 29 of copending U.S. Patent Application Serial No. 09/962,477. Accompanying this response is a Terminal Disclaimer in compliance with 37 CFR § 1.321(b) to overcome the double patenting rejection of Claims 1 - 6, 9 - 11 and 13 - 14. The conflicting application, United States Patent Application Serial No. 09/962,477, and the present application, Serial No. 09/914,501, are both assigned to the University of Mississippi Medical Center. In view of the filing of the Terminal Disclaimer and the common ownership of the cited application and the present application, the withdrawal of the rejection of Claims 1 - 6, 9 - 11 and 13 - 14 are respectfully requested.

Finally, the Examiner objected to Claims 7, 8 and 12 as depending from rejected Claims 1 and 10. However, upon the filing of the Terminal Disclaimer, Claims 7, 8 and 12 are allowable.

In summary, Claims 1 - 14 are allowable for all of the reasons given above. Therefore, favorable reconsideration of the application is respectfully requested. Should the Examiner believe that the prosecution of the application can be so expedited, he is requested to call Applicants' undersigned Attorney at the number listed below.

Respectfully submitted:

BY Brant T. Maurer

Brant T. Maurer
Attorney for Applicant
Registration No. 53,285

Reinhart Boerner Van Deuren s.c.
P.O. Box 2965
Milwaukee, WI 53201-2965
(414) 298-8169
Customer No. 22922